

**911 ADVISORY COUNCIL**  
**DECEMBER 17, 2015**  
**State Capitol Room 152**

**ATTENDEES:** Ron Baldwin, Chair, State CIO; Delila Bruno, DMA/DES; Geoff Feiss, MTA; Gary Macdonald, MACO; Leonard Lundby, MVFFA; Lisa Kelly, CenturyLink; Bob Armstrong, MHP (Alternate); Jennie Stapp, State Librarian

**CONFERENCE CALL:** Bill Hunter, PSAPs >30K; Dorothy Gremaux, PSAPs <30K; (Alternate); Greg Megaard, MFCA; Kerry O'Connell, PSAPs >30K; (Alternate); Bill Leonard, Rick Musson, MACOP; Kimberly Burdick, MT APCO; Erik Hoover, MSPOA (Alternate), Gary Hersted, AT&T Mobility; Peggy Glass, PSAPs <30K; Tara Thue, AT&T

**GUESTS:** Brett Petty, Helena PD; Pete Callahan, Helena 9-1-1; Curt Stinson, Helena PD; Zach Slattery, MT APCO (Alternate); Sandra Barrows, Barrows Consulting; Chris Lounsbury, Missoula Co;

**STAFF:** Quinn Ness, DOA/SITSD; Rhonda Sullivan, DOA/SITSD; Carrie Castle, DOA/SITSD

**CALL TO ORDER:** Ron Baldwin, Chair, called the meeting to order at 1:30 pm. Introductions were made.

**ADOPT MINUTES:** Geoff Feiss moved to accept the November minutes and Gary Macdonald seconded. Jennie Stapp abstained as she was absent from that meeting. Motion carried.

**REVIEW DRAFT LEGISLATION CONCEPTS:**

Ron Baldwin, Chairman proposed a framework for reviewing and updating the 9-1-1 statute that included:

- Mission / Guiding Principles
- Scope, including but not limited to:
  - Overarching objectives
  - What is included (e.g. from call to dispatch)
  - What is excluded
  - Key assumptions
  - Requirements (infrastructure and personnel)
  - Jurisdiction (statewide vs local)
  - Definitions
- Funding, including but not limited to:
  - Fees Collection
  - Funding Distribution
- Governance, including the advisory council and its ultimate role
- Technology, including NG 9-1-1

The council, following the “framework”, engaged in the following discussions:

**MISSION:** The National Emergency Number Association’s (NENA) goal for NG 9-1-1 is “Deliver 9-1-1 communications from Any Device, Anytime, Anywhere.”

**SCOPE:**

- Objective: Draft legislation to update the 9-1-1 program statutes to enable and support current (NG 9-1-1) and future communications technologies.
- What is included:
  - Communications from the citizen (user) to the PSAP;
  - Communication systems and services
- What is excluded: Communications between the PSAP and emergency responders; non-9-1-1 system or services

- Key assumptions:
  - NG 9-1-1 technology is readily available
- Requirements (infrastructure and personnel)
  - Statewide IP Network (ESInet) – Capital Expenditure;
  - PSAP Network Connectivity and Equipment (CPE) – Capital Expenditures;
  - Databases - Operating Expenditures;
  - Geographical Information Systems (GIS) - Operating Expenditures; and
  - PSAP Human Processes – Operating Expenditures
- Jurisdiction (statewide vs local)
- Definitions
  - Communications include voice, data, text and video;

#### FUNDING:

- Fees Collection: Continue current fee and fee collection processes;
- Funding Distribution: Continue 84/16 process for PSAP operating budget/expenditures; distribute account balance after board/program administration, ESInet cost recovery, PSAP ESInet connectivity and CPE.
- Define allowable uses of funds by PSAPs and providers, while supporting local decision making.
- Allowable uses should encourage the deployment and use of current technologies.

#### GOVERNANCE:

- State 9-1-1 Board: a board would play an important role in 9-1-1, both from a perspective of representing uniform, statewide requirements and needs for all jurisdictions; and a board would allow adequate representation from all local jurisdictions to oversee and ensure that their needs are being met.
- State 9-1-1 Board requires rule making authority to manage program.
- State 9-1-1 Board should develop and implement PSAP standards.

#### TECHNOLOGY:

- Digital/IP Technology;
- Communications: digital voice, data, text and video
- Uniform statewide network and services should precede individual local services;
- Funding and expenditure of funds should be prioritized for the deployment of current technologies.

**WIRELESS PROVIDER COST RECOVERY (LEGAL OPINION):** Quinn Ness reported on the legal opinion that was received by the 9-1-1 program regarding “cost recovery for E911 service providers”. The law office Bennet & Bennet, PLLC provided the opinion on Mid-Rivers Telephone Cooperative, Inc., Sagebrush Cellular & Triangle Communications. Program staff requested advisement from the council regarding the statutory definition of allowable costs and in developing a response to the opinion.

- King County Letter/FCC Ruling. Quinn noted that there was potentially some miscommunication between the companies and program staff., as program staff agrees with the assessment of the ruling including: 1) the ruling determined the “demarcation point” or where in the process of delivering a wireless 9-1-1 call responsibility shifts from the provider to the PSAP; and 2) the ruling does not preclude the State from granting cost recovery to wireless service providers for enhanced 9-1-1.
- Statutory Definition of Allowable Costs: “Allowable costs” as defined in MCA 10-4-101(1) means: “...the actual costs associated with upgrading, purchasing, programming, installing, testing, operating, and maintaining data, hardware, and software necessary to comply with federal communications commission orders for the delivery of 9-1-1 calls and data as set forth in 47 CFR 20.18.” Is infrastructure, such as communications towers included in

“data, hardware and/or software”? Can providers receive cost recovery for infrastructure investments under the statutory definition of allowable costs?

- Tara Thue: The MCA is currently not being interpreted to allow for cost recovery for the buildout of wireless/wireline infrastructure and should remain this way in new statute, that being costs should be explicitly limited to 9-1-1 specific purposes.
- MOTION: Bill Hunter moved that infrastructure is not included in the statutory definition of allowable costs and should not be an allowable expense under state statute. Lisa Kelly seconded, and the motion carried.
- Quinn Ness: Staff will prepare a response to Bennet and Bennet and will distribute a copy to the council.

**PUBLIC COMMENT:** None

**NEXT MEETING/ADJOURN:** The meeting adjourned at 3:08 pm. Next meeting is January 21 at State Capitol, Room 152 from 1:30-3:30 pm.